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Attorneys for Plaintiff Panasonic Corporation

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PANASONIC CORPORATION,

Plaintiff,

v.

MOBILEDEMAND, L.C.,

Defendant.

Civil Action No. _____

Document Filed Electronically

**COMPLAINT FOR PATENT INFRINGEMENT
AND DEMAND FOR JURY TRIAL**

Plaintiff Panasonic Corporation, by its undersigned attorneys, brings this action against MobileDemand, L.C., ("MobileDemand") and hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code, arising from MobileDemand's infringement of U.S. Design Patent No. D703,665 ("the 'D665 Patent"). A copy of the 'D665 Patent is attached as Exhibit A.

THE PARTIES

2. Plaintiff Panasonic Corporation ("Panasonic") is a corporation organized under the laws of Japan having its principle place of business at 1006, Oaza Kadoma, Kadoma-shi, Osaka 571-8501, Japan.

3. Panasonic is a leading designer and manufacturer of electronic products for consumer, business and industrial purposes, including personal computers. As a result of its significant investment in research and development, Panasonic has developed innovative products and cutting edge technologies.

4. Panasonic's innovative products include the Panasonic line of TOUGHPAD® rugged tablet computers, which Panasonic markets and sells in the United States through its Newark, New Jersey-based wholly owned subsidiary, Panasonic Corporation of North America ("PNA").

5. Panasonic has protected its innovative products and designs, including its TOUGHPAD® rugged tablet computers, through a broad range of intellectual

property rights, including through design patents issued by the United States Patent and Trademark Office (“USPTO”).

6. On information and belief, Defendant MobileDemand is a limited liability corporation organized under the laws of the State of Iowa having its principle place of business at 1501 Boyson Square Drive, Suite 101, Hiawatha, Iowa 52233.

7. On information and belief, MobileDemand operates an interactive website (<https://www.ruggedtabletpc.com>) through which it promotes and sells tablet computers, including the xTablet T1500 and the xTablet T8500 computer products, both of which infringe the ‘D665 Patent. True and correct screen shots from MobileDemand’s website for the xTablet T1500 and the xTablet T8500 products as of the time of drafting this complaint are attached as Exhibits B and C, respectively.

JURISDICTION AND VENUE

8. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331, 1332, and 1338(a).

9. This Court has personal jurisdiction over MobileDemand by virtue of, *inter alia*, its presence in New Jersey, having, upon information and belief, conducted business in New Jersey such that it should reasonably anticipate being haled into court in this judicial district, and having engaged in systematic and

continuous contacts with the State of New Jersey, including through the purposeful marketing and sale of the infringing products in this judicial district, and through the receipt of revenue from the sales and marketing of infringing products in, and to residents of, this judicial district.

10. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), (c), and 1400(b).

THE PATENT-IN SUIT

11. On April 29, 2014, the USPTO duly and legally issued the ‘D665 Patent entitled “Portable Computer.”

12. The ‘D665 Patent is valid and enforceable.

13. Panasonic is the sole assignee and owner of all right, title and interest in and to the ‘D665 Patent.

INFRINGEMENT OF THE ‘D665 PATENT

14. Panasonic alleges and incorporates by reference the allegations set forth in paragraphs 1 to 13.

15. As shown by the side-by-side comparison below, MobileDemand has misappropriated Panasonic’s patented portable computer design in the accused xTablet T1500 and xTablet T8500 products.

‘D655 Patent	xTablet T1500
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'D655 Patent	xTablet T8500
	

16. MobileDemand's xTablet T1500 and xTablet T8500 products are deceptively similar and substantially the same as the patented design of the 'D655 Patent when viewed through the eyes of the ordinary observer and considering the infringing products as a whole.

17. MobileDemand's use, offer to sell, and/or sale of the xTablet T1500 and the xTablet T8500 products within the United States, or importation of these

products into the United States, during the term of the ‘D665 Patent infringes the ‘D665 Patent.

18. MobileDemand’s use, offer to sell, and/or sale of the xTablet T1500 and the xTablet T8500 products within the United States, or importation into the United States, is without authorization from Panasonic.

19. MobileDemand’s unauthorized use, offer to sell, and/or sale of products incorporating the patented design of the ‘D655 Patent has caused, and will continue to cause, Panasonic financial and reputational harm.

20. Panasonic has no adequate remedy at law.

21. By letter dated April 28, 2016, Panasonic provided MobileDemand written notice of its infringement of the ‘D665 Patent.

22. Despite having notice of its infringement of the ‘D665 Patent, MobileDemand has infringed, and will continue to infringe unless enjoined, the ‘D665 Patent.

23. MobileDemand’s infringement of the ‘D665 patent has been and continues to be willful and deliberate.

24. This case is exceptional, and Panasonic is entitled to an award of attorneys’ fees under 35 U.S.C. § 285.

25. In violation of 35 U.S.C. §271, MobileDemand has infringed and continues to infringe the ‘D665 Patent by using, selling and/offering to sell in the

United States, and/or importing into the United States one or more of the xTablet T1500 and xTablet T8500 products identified in this Complaint, which embody the design covered by the ‘D665 design patent.

PRAYER FOR RELIEF

WHEREFORE, Panasonic prays for relief as follows:

- a. A judgment that MobileDemand has infringed the ‘D665 Patent;
- b. A judgment declaring MobileDemand’s infringement of the ‘D665 Patent willful and deliberate;
- c. An order and judgment preliminarily and permanently enjoining MobileDemand, its parent companies, subsidiaries, related companies, and all persons acting in concert or participation with MobileDemand, or persons acting or purporting to act on its behalf, including, but not limited to its officers, directors, partners, owners, agents, representatives, employees, attorneys, successors, and assigns, and any and all persons acting in concert or privity with them, from making, using, importing, exporting, distributing, supplying, selling or offering to sell, or causing to be sold any product falling within the scope of the ‘D665 Patent, or otherwise contributing to or inducing the infringement of the ‘D665 Patent;
- d. A judgment awarding Panasonic all damages adequate to compensate for MobileDemand’s infringement of the ‘D665 Patent, including all pre-judgment

and post-judgment interest at the maximum rate permitted by law, as well as its costs and disbursements;

e. A judgment awarding Panasonic all damages, including treble damages, based on any infringement found to be willful, pursuant to 35 U.S.C. § 284, together with prejudgment interest;

f. A judgment ordering an accounting and awarding Panasonic MobileDemand's total profits from the infringement of the 'D665 Patent, as provided in 35 U.S.C. § 289;

g. A judgment awarding Panasonic its costs in this action together with reasonable attorney's fees as provided in 35 U.S.C. § 285;

h. A judgment ordering the recall and destruction of all materials within the control of MobileDemand, its parent companies, subsidiaries, or related companies, and their agents or distributors, that in any way infringe upon the 'D665 Patent; and

i. Such other and further relief against MobileDemand in favor of Panasonic that this court deems just, equitable and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Panasonic hereby demands trial by jury on all issues raised by the Complaint.

Date: September 13, 2016

WALSH PIZZI O'REILLY FALANGA LLP

s/ Liza M. Walsh

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RULE 11.2 CERTIFICATION

I hereby certify that, to the best of my knowledge, the matter in controversy is not the subject of any other pending or anticipated litigation in any court or arbitration proceeding. In addition, I recognize a continuing obligation during the course of this litigation to file and to serve on all other parties and with the Court an amended certification if there is a change in the facts stated in this original certification.

Dated: September 13, 2016

WALSH PIZZI O'REILLY FALANGA LLP

s/ Liza M. Walsh

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RULE 201.1 CERTIFICATION

I hereby certify that the above-captioned matter is not subject to compulsory arbitration in that the Plaintiff seeks, *inter alia*, injunctive relief.

Dated: September 13, 2016

WALSH PIZZI O'REILLY FALANGA LLP

s/ Liza M. Walsh

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